

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	CIV 10-084-FHS
)	
1)CHARLES O. DUCKETT, a.k.a. Charles)	
Duckett, a.k.a. Charles Otis Duckett;)	
2)EVELYN D. DUCKETT, a.k.a. Evelyn Deloris)	
Duckett, a.k.a. Evelyn Duckett, deceased, the)	
unknown heirs, executors, devisees, trustees and)	
assigns of Evelyn Deloris Duckett, deceased;)	
3)MARCUS DUCKETT;)	
4)KATIE DUCKETT;)	
5)CAPITAL ONE BANK;)	
6)FORD MOTOR CREDIT CORPORATION;)	
7)ERIN CAPITAL MANAGEMENT, LLC;)	
8)COLLINS FINANCIAL SERVICES, INC.;)	
9)NCO PORTFOLIO MANAGEMENT)	
CAPITAL ONE;)	
10)STATE OF OKLAHOMA, ex rel)	
Department of Human Services;)	
Defendants.)	

REPORT AND RECOMMENDATION

Now on July 9, 2014, the undersigned Magistrate Judge takes under consideration the motion of plaintiff for confirmation of the sale of real estate made by the United States Marshal for the Eastern District of Oklahoma on February 18, 2014, under a Special Execution and Order of Sale issued out of the office of the Clerk of the United States District Court for the Eastern District of Oklahoma directing the sale of the following described real estate and premises situated and being in McCurtain County, Oklahoma, to-wit:

The SW4 of the SW4 of the NW4 LESS a one tract described as beginning at the NW Corner of the SW4 SW4 NW4, thence East 208 feet; thence South 208 feet; thence West 208 feet; thence North 208 feet, in Section 7, Township 8 South, Range 24 East of the Indian Base and Meridian.

AND

Tract #5 - Lots 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18 and 19, The South 26.5 feet of Lot 3; and The South 26.5 feet of Lot 24, and All in Williston Addition to the City of Idabel, Oklahoma, according to the recorded plat thereof.

Tract #7 - E2 SE4 NE4 NW4 of Section 7, Township 8 South, Range 24 East; This real estate is subject to a road easement described as follows: – and also an Easement 20 feet in width, lying 10-feet on each side of the following described centerlined: Beginning at the NE Corner of SE4 NW4 of said Section 7; thence North 28°20'31" East 147.18 feet; thence North 40°56'48" East 131.71 feet; thence North 77°26'29" East 157.55 feet; thence South 87°22'54" East 326.24 feet; thence North 87°04'30" East 339.16 feet; thence North 53°53'06" East 65.84 feet to an existing county road.

The undersigned Magistrate Judge has examined the proceedings of the United States Marshal under the Special Execution and Order of Sale, as well as the objections filed by Mr. Charles Duckett regarding two tracts of land [Docket No. 150]. Additionally, the undersigned Magistrate held a hearing on the Motion to Confirm the sale, and Mr. Duckett provided additional testimony regarding his objections. The undersigned Magistrate Judge now finds that the defenses set forth by Mr. Duckett could have and should have been raised prior to the Amended Journal Entry of Judgment [Docket No. 102] entered on May 16, 2012, and therefore should not be entertained absent an appropriate Motion to set aside the default judgment. Additionally, the undersigned Magistrate Judge finds that due and legal notice of the sale was given by publication once a week for at least four weeks prior to the date of sale in the McCurtain Gazette, a newspaper published and of general circulation in McCurtain County, Oklahoma, as appears more fully from the proof of publication filed herein, and that on February 18, 2014, the property was sold to the United States of America, acting

by and through the Farm Service Agency, for the sum of \$58,955.900, being the highest and best bidder. The undersigned Magistrate Judge further finds that the sale was in all respects in conformity with the law and judgment of this Court.


IT IS THEREFORE RECOMMENDED that the United States Marshal's Sale and all proceedings under the Order of Sale are hereby approved and confirmed and that the United States Marshal for the Eastern District of Oklahoma make and execute to the purchaser, the United States of America, acting by and through the Farm Service Agency, a good and sufficient deed for the property.

IT IS FURTHER RECOMMENDED that after the execution and delivery of the Deed to the purchaser by the United States Marshal, the purchaser is hereby granted possession of the property against any or all persons now in possession.

IT IS FURTHER RECOMMENDED that the proceeds of the sale conducted herein be disbursed by the United States Marshal for the Eastern District of Oklahoma as follows:

FIRST:	The sum of	\$ 58,955.00
	Payable to US Department of Justice	
	in partial satisfaction of	
	plaintiff's judgment of . .	\$279,306.12
	which includes:	
	Unpaid principal of	\$274,920.10
	Interest to judgment & sale. . .	\$ 4,386.77

IT IS SO ORDERED this 9th day of July, 2014.


Steven P. Shreder
United States Magistrate Judge
Eastern District of Oklahoma